



601 Monroe Street, Suite 304
Jefferson City, MO 65101
Fax 573.636.6826

April 23, 2002

FILED³

APR 23 2002

Mr. Dale Hardy Roberts
Secretary/Chief Administrative Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

**Missouri Public
Service Commission**


**Subject: ADOPTION BY EXCEL TELECOMMUNICATIONS, INC.
OF THE GTE MIDWEST INCORPORATED D/B/A VERIZON
MIDWEST/VARTEC TELECOM, INC. D/B/A VARTEC TELECOM
INTERCONNECTION AGREEMENT, PURSUANT TO SECTION
252(i) OF THE TELECOMMUNICATIONS ACT OF 1996**

Dear Mr. Roberts:

Enclosed for filing with the Commission are the original and eight (8) copies of GTE Midwest Incorporated d/b/a Verizon Midwest's Notice of Adoption of Interconnection Agreement ("Notice of Adoption"). This Notice of Adoption pertains to the adoption by Excel Telecommunications, Inc. of the previously-approved interconnection Agreement between Verizon Midwest and VarTec Telecom, Inc. d/b/a VarTec Telecom ("Underlying Agreement") in Case Number TO-2002-281. As directed by the Commission on January 4, 1999, an original and five (5) copies of the approved Underlying Agreement are enclosed with this filing.

Thank you for your assistance in this matter.

Sincerely,


Thomas R. Parker
Vice President &
Associate General Counsel

TRP:am

Enc.

c: Service List

FILED³

APR 23 2002

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

Missouri Public
Service Commission

THE MATTER OF THE ADOPTION OF THE GTE)
MIDWEST INCORPORATED D/B/A VERIZON MIDWEST/)
VARTEC TELECOM, INC. D/B/A VARTEC TELECOM)
INTERCONNECTION AGREEMENT BY EXCEL)
TELECOMMUNICATIONS INC., PURSUANT TO SECTION)
252(i) OF THE TELECOMMUNICATIONS ACT OF 1996)

CASE NO. _____

NOTICE OF ADOPTION OF INTERCONNECTION AGREEMENT

COMES NOW, GTE Midwest Incorporated d/b/a Verizon Midwest ("Verizon"), respectfully files this Notice of Adoption of Interconnection Agreement ("Notice of Adoption") as permitted by 4 CSR 240-2.080 (3).¹ In connection with this filing, Verizon states as follows:

1. Verizon is engaged in the business of providing local, access, toll and other telecommunications services. The principal office of Verizon is 601 Monroe Street, Suite 304, Jefferson City, Missouri 65101.

The designated contact for purposes of the above-captioned, adopted Agreement is:

Dave Evans
Director-Regulatory Affairs
Verizon
601 Monroe Street, Suite 304
Jefferson City, MO 65101
Telephone: 573-636-7196
Fax: 573-636-6826
e-mail: dave.evans@verizon.com

¹ Verizon is filing this Notice of Adoption consistent with the manner approved by the Commission in Case Nos. TO-2000-756, -757 and -758.

2. Pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "Federal Act"), Excel Telecommunications, Inc. ("Excel") notified Verizon that it desired to adopt the terms of the Interconnection Agreement ("Terms") between Verizon and VarTec Telecom, Inc. d/b/a VarTec Telecom ("VarTec") approved by the Missouri Public Service Commission ("Commission") in Case Number TO-2002-281 ("Underlying Agreement"). Subsequent to this, Verizon and Excel signed a short cover letter relating to Excel's adoption of the Terms. A copy of said cover letter is attached to this filing as Attachment 1.

3. Section 252(i) of the Federal Act provides as follows:

(i) AVAILABILITY TO OTHER TELECOMMUNICATIONS CARRIERS.-

A local exchange carrier shall make available any interconnection services, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and condition as those provided in the agreement.

A copy of the Commission's January 15, 2002 Order approving the Underlying Agreement is attached hereto as Attachment 2. A copy of the approved Underlying Agreement between Verizon and VarTec, for adoption by Excel, is attached as Attachment

3. As described in the Order, the Commission approved the Underlying Agreement pursuant to Section 252(e) of the Federal Act by finding that it was consistent with the public interest, convenience and necessity and did not discriminate against any telecommunications carrier. Furthermore, the Commission found that the Underlying Agreement was consistent with Missouri Senate Bill No. 507, which became effective on August 28, 1996. Accordingly, the Terms are adopted by Excel and will apply to Excel and

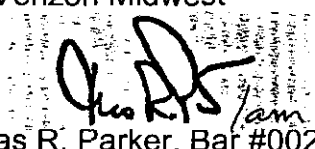
Verizon pursuant to Section 252(i) of the Act.

Verizon is not voluntarily entering the Terms with Excel and does not waive any rights and/or remedies it has concerning its position as to the illegality or unreasonableness of the Terms. Verizon contends that certain provisions of the Terms may be void or unenforceable as a result of the United States Eighth Circuit Court of Appeals' July and October 1997 decisions, the Supreme Court of the United States' decision of January 25, 1999 and the remand of the pricing rules to the United States Eighth Circuit Court of Appeals and U.S. Supreme Court. Verizon is preserving its legal positions in every respect as to the Terms in the hands of Excel, as well as in the hands of VarTec. Subject to Verizon's reservation of rights set forth in the letter between the Parties (copy attached as Attachment 1), there are no outstanding issues between Verizon and Excel relating to such adoption.

WHEREFORE, Verizon respectfully submits this Notice of Adoption of Interconnection Agreement and requests that the Commission take notice of such adoption pursuant to its authority to regulate telecommunications carriers in the state of Missouri.

Respectfully submitted,

GTE MIDWEST INCORPORATED
d/b/a Verizon Midwest

By: 
Thomas R. Parker, Bar #0028806
601 Monroe Street, Suite 304
Jefferson City, MO 65101-3202
TEL (972) 718-6361
FAX (972) 718-3403
e-mail: tom.parker@verizon.com

THEIR ATTORNEY

VERIFICATION

I, Steve Banta, under penalty of perjury, certify as follows:

I am an Officer of the Company – President of GTE Midwest Incorporated d/b/a Verizon Midwest ("Verizon"). I am authorized to make this verification on behalf of Verizon. I have read the foregoing "Notice of Adoption of Interconnection Agreement" and know the contents thereof, and the facts stated therein are true and correct to the best of my knowledge, information and belief.

Executed in the State of Missouri on this 23 day of April, 2002.



Steve Banta
President
GTE Midwest Incorporated
d/b/a Verizon Midwest

Sworn before me and subscribed in my presence by Steve Banta this 23 day of April, 2002.


Notary Public

BECKY POWELL
NOTARY PUBLIC, STATE OF MISSOURI
COUNTY OF COLE
MY COMMISSION EXPIRES MAY 8, 2005



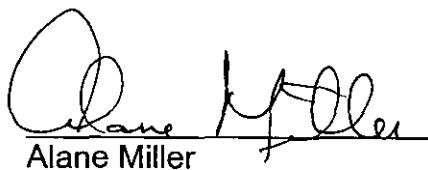
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was hand-delivered to Dale Hardy Roberts, Secretary/Chief Administrative Law Judge, Missouri Public Service Commission, 200 Madison Street, Suite 100, Jefferson City, Missouri 65101 and was mailed, postage prepaid, this 23rd day of April, 2002 to the following:

Office of the Public Counsel
200 Madison Street
Jefferson City, MO 65101

Dana K. Joyce, General Counsel
Missouri Public Service Commission
200 Madison Street, 5th Floor
Jefferson City, MO 65101

Michael Engel
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Alane Miller